

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY
(SUPPLEMENTARY SHEET)

International File No.

PCT/EP2004/053336

Re Point V

Reasoned statement with regard to novelty, inventive step and commercial applicability; citations and explanations supporting such statement

1. Clarity

1.1 Claim 1

The term "mass measure for the flow rate" (lines 16-17) used in Claim 1 is vague and unclear and leaves the reader uncertain about the meaning of the particular technical feature: it is not stated clearly that a "predefined flow rate is adjusted" during the "diagnosis," but this is essential for the definition of the present invention.

Since Independent Claim 1 does not contain this feature, it does not conform to the requirement of Article 6 PCT in combination with Rule 6.3 b) PCT, namely that each independent claim must include all the technical features that are essential for a definition of the invention.

1.2 Claim 10

The Device Claim 10 does not include any structural features of the claimed device and therefore cannot be regarded as being clear (see also guideline S-07/1998 part IV, III-4.8).

2. Reference is made to the following documents:

D1: US-B-6209315

D2: US-A-5709080

EV322953948

3. Claim 1

The present patent application fails to meet the requirements of Article 33(1) PCT because the object of Claim 1 is not novel in the sense of Article 33(2) PCT.

3.1 Document D1 discloses the following (the references in parentheses refer to this document):

A method for operating a metering valve (14) which sets a flow rate (throughput) of a reagent (reducing agent) to be introduced into an exhaust gas area of an internal combustion engine: see column 4, lines 1 through 23; Claim 1; Figure 1 and the particular text.

In addition, it is also known from this document that a diagnosis of the metering valve (14) is provided, according to which a measure of the flow rate during the diagnosis time (particular time) is analyzed: see column 6, line 55 through column 7, line 10.

3.2 All the features of Claim 1 are also known from document D2: see column 3, lines 6 through 23.

3.3 Note

According to section 1.2, all features of Claim 10 are also already known from D1 and D2.

4. Dependent Claims 2 through 9

4.1. The features of Claims 3, 6 through 9 are also adequately well known from document D1 and therefore the object thereof is also not novel (see section 3.1).

4.2 The features of Claims 2 and 4 were neither already known nor obvious.

4.3 U

The features of this claim also relate to design details which do not go beyond the general knowledge of those skilled in the art that would be introduced by those skilled in the art under certain conditions.

5. The object of the invention according to Claims 1 through 10 is obviously commercially applicable and therefore meets the requirements of Article 33(4) PCT.